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Attorney for defendant David Reid

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

CR-05-1849 J

vs.

DAVID REID,

Defendant.

MOTION TO CONTINUE MOTIONS DEADLINE AND HEARING

The Defendant David Reid, through his counsel undersigned,
respectfully moves this Court for an order vacating the present motions
deadline of November 7, 2008, resetting it on the date set out below,
vacating the present motions hearing date of January 27, 2008, and
resetting it in February 2009.

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1 The United States joins in this Motion and does not oppose it.

2 This Motion will not impact the presently set trial date. Counsel urges
3 the following as grounds supporting this Motion:
4

- 5 1. Counsel for the Defendants and counsel for the Government have
6 discussed a number of discovery, pretrial motion, and negotiated
7 disposition issues in this matter. It is believed that continuing these
8 deadlines and the hearing will facilitate more agreement on a variety
9 of these issues.
10
- 11 2. The present motions deadline and hearing date was based upon a
12 January 2009 trial date. The Court has continued the trial until March
13 2009, but did not at that time adjust the motions deadline and/or
14 motions hearing date in view of the new trial date.
15
- 16 3. The defendant Osgood has just been arrested and his counsel will
17 require time to become familiar with the case. Given the complexity
18 of this case and the volume of disclosure, there is no way that his
19 counsel can be prepared to go forward with the present motions due
20 date and hearing date. The granting of this Motion, unopposed by
21 the Government, will facilitate the effective assistance of counsel for
22 Mr. Osgood.
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1 4. Counsel for the Government and all defense counsel have agreed to
2 the following schedule subject to the Court granting this Motion:

3 A. A motions filing deadline of December 5, 2008.

4
5 B. A due date for the Government's responses thereto of January
6 16, 2009.

7 C. A defense reply due date of January 30, 2009.

8
9 D. A hearing date in February, 2009.

10 5. As mentioned above, James Braun, counsel for the Government,
11 joins in this Motion and does not oppose it. Billy Blackburn, Robert
12 Gorence, Mark Chouinard, and Vic Sizemore join in this Motion on behalf
13 of their respective clients. Gary Mitchell, counsel for the defendant Dana
14 Jarvis, takes no formal position on the motion.
15

16 6. It is in the interest of judicial economy and the effective assistance of
17 counsel to continue the motions deadline and hearing date for the reasons
18 set forth herein.
19

20 Therefore, for good cause shown, the defendant Reid respectfully
21 requests that the Court vacate the present motions deadline and hearing
22 date and reset these matters in accordance with the agreed-upon schedule
23 set out herein.
24
25
26

1 Respectfully submitted this 27th day of October, 2008.

2 LAW OFFICES OF
3 NASH & KIRCHNER, P.C.

4
5 BY /S/ Walter Nash
6 WALTER NASH
7 Attorney for Defendant Reid
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2008, I served a true and correct copy of this Joinder by U.S. Mail, postage prepaid, on counsel for the United States at the address listed below:

James R.W. Braun, Esq.
Assistant United States Attorney
P.O. Box 607
Albuquerque, New Mexico 87103

/s/ Walter Nash

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